

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DURAFLAME, INC.,

No. C 12-01205 RS

v.
Plaintiff,

CASE MANAGEMENT SCHEDULING ORDER

HEARTHMARK, LLC,

Defendant.

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a Case Management Conference was held on June 7, 2012. After considering the Joint Case Management Statement submitted by the parties and consulting with the attorneys of record and good cause appearing, IT IS HEREBY ORDERED THAT:

1. ALTERNATIVE DISPUTE RESOLUTION.

MEDIATION. The parties have agreed to participate in private mediation to be completed before the next case management conference. They shall promptly notify the Court if the case is resolved at the conference.

2. DISCOVERY. On or before May 17, 2013, all non-expert discovery shall be completed by the parties. Discovery shall be limited as follows: (a) fifteen (15) non-expert depositions per party; (b) twenty-five (25) interrogatories per party, including all discrete subparts; (c) a reasonable number of requests for production of documents or for inspection per party; and (d) a reasonable number of requests for admission per party.

3. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions shall proceed as follows:

1 A. On or before June 14, 2013, the parties shall exchange all expert reports related to
2 issues on which the party bears the burden of proof.

3 B. On or before July 12, 2013, the parties shall exchange all rebuttal expert reports.

4 C. On or before August 9, 2013, all discovery of expert witnesses pursuant to Federal
5 Rule of Civil Procedure 26(b)(4) shall be completed.

6 4. CLAIM CONSTRUCTION SCHEDULING.

7 A. All invalidity contentions shall be due no later than **August 10, 2012**.

8 B. The parties shall exchange proposed terms for construction no later than **September
9 14, 2012** in accordance with Patent L.R. 4-1(b).

10 C. The parties shall exchange preliminary claim constructions and extrinsic evidence no
11 later than **October 12, 2012**.

12 D. The parties shall file their joint claim construction and prehearing statement no later
13 than **November 2, 2012**.

14 E. Claim construction discovery shall be completed no later than **December 7, 2012**.

15 F. Plaintiff shall file its opening claim construction brief no later than **December 21,
16 2012**.

17 G. Defendant shall file its responsive claim construction brief with support no later than
18 **January 11, 2013**.

19 H. Plaintiff shall file its claim construction reply brief no later than **January 18, 2013**.

20 I. A Claim Construction Hearing shall take place in Courtroom 3, 17th Floor, 450
21 Golden Gate Avenue, San Francisco, California on **February 6, 2013 at 10:00 a.m.**

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23 IT IS SO ORDERED.

24 Dated: 6/8/12


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE